IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

-

WRIT PETITION NO : 9201 of 2005

Between:

1. M/s. Real Estate Syndicate, a partnership Firm, duly registered having its office at 11-58, Fathenagar, Hyd rep. by its Managing Partner Sri Praveen Kumar Agarwal, S/o. S.C.Agarwal, Aged. 48.
2. Sri Anil Kumar, S/o. D.C.Choudhary,
   Street No.4, Himayathnagar, Hyderabad.

..... PETITIONERS

AND

1 Hyderabad Urban Development Authority, rep. by its Vice Chairman, Office at 18-323, Piagah Place, Police Lines, Secunderabad.
2 Smt. K. Padma, W/o. K.Gopal,
   R/o. 11-169, Fathenagar, Hyderabad.
3 Smt. K.Anitha, W/o. K.gopal,
   R/o. 11169, Fathenagar, Hyderabad.
4 S.B.Shetty, C/o. Shetty, Tiffin Center, 11/70, Ground Floor,
   Fathenagar, Hyderabad.
5 Sri Malku Raj, R/o. 11-169,Fathenagar, Hyderabad.
6 K. Jaipal, S/o. K. Gopal Alias K. Gopi,
   R/o. 11-169, Fathedarwaza, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ order or direction more one in the nature of writ of Mandamus, directing the respondent No.1 to register the Plot No.1 ACR 6.72, situated at Shameerpet, Retreat, Ranga Reddy District in favour of the 1st petitioner Firm more so under G.O.Ms.No.62 MA, dt. 21.2.2004 and may and pass such other order or orders.

Counsel for the Petitioners: MR.KOTA SUBBA RAO

Counsel for the Respondent No.1 : MR.B.VISWANATHA REDDY,

Standing Counsel for HUDA.

Counsel for the Respondent No.2 to 6: MR.V.AJAYAKUMAR

Court made the following:

O R D E R :

1. This Writ Petition is filed by the petitioners with a prayer to issue a Writ of Mandamus directing R1-Hyderabad Urban Development Authority to register plot No.1 bearing No.ACR 6:72, situated at Shameerpet Retreat, Ranga Reddy District in favour of 1st petitioner-M/s Real Estate Syndicate, Fathenagar, Hyderabad.

2. An application has been submitted to R1 for allotment of plot in Shameerpet. A plot came to be allotted in pursuance of the application vide letter dated 2.8.1996. An amount of Rs.30,37,440/- has been paid towards the cost of the said plot. Some disputes arose between the partners of the 1st petitioner firm. The 2nd petitioner along with R2-K.padma representing the 1st petitioner requested 1st respondent to execute a registered sale deed. When 1st respondent did not respond to their letters dated 19.5.1997 and 14.7.97, the 1st petitioner firm represented by 2nd petitioner filed this writ petition.

3. Heard the learned counsel for the petitioners, Standing Counsel for 1st respondent and counsel for respodent Nos.2 to 6.

4. The material brought on record clearly establish that there are disputes between the partners of the 1st petitioner-firm. It is strenuously contended by learned counsel for the petitioners that it is the petitioners who paid the sale consideration and therefore 1st respondent has to execute necessary documents in their favour.

Whereas it is contended by learned counsel appearing for R2 to R6 that an application for allotment has been made by R2 to R6 in their individual capacity.

5. The dispute whether the plot is purchased from 1st respondent is in the name of 1st petitioner firm or in the individual names of R2 to R6 cannot be resolved in this Writ Petition. Therefore, the dispute involved in this writ petition is beyond the scope of writ jurisdiction.

6. With liberty to the parties to work out their remedies in civil court as per law, this writ petition is dismissed. No costs.

Dated: 14th June, 2005. (B.Seshasayana Reddy, J)

tnb

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Vice Chairman, Hyderabad Urban Development Authority, No.18-323, Paigah Plaza, Police Lines, Secunderabad.

2. Two CD copies to MR.B.VISWANATHA REDDY, Standing Counsel for HUDA, No.18-323, Paigah Plaza, Police Lines, Secunderabad.

3. 2 CD copies